

REMARKS

Applicants would like to thank the Examiner for the detailed Official Action provided. Applicants also thank the Examiner for indicating that claims 5, 9-14 and 18 would be allowable if rewritten in independent form including all of the limitations of its base claim and any intervening claims.

Upon entry of the present Response, claims 4 and 13 will have been amended. More specifically, independent claim 4 will have been rewritten to generally include the indicated allowable features of dependent claim 5, and claim 13 will have been amended for cosmetic purposes (*i.e.*, for purposes of clarity and consistency), and should not be taken as having been made for purposes related to the patentability of the present application. Claims 5, 6 and 17 will have been cancelled without prejudice or disclaimer (in addition to previously cancelled claim 1). No new matter will have been entered by the above-made amendments. Accordingly, claims 2-4, 7-16, and 18 are pending in the application for consideration by the Examiner. Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate.

Rejections under 35 USC §103(a)

The Examiner has rejected claims 2-4, 6-8 and 15-17 under 35 USC §103(a) as being unpatentable over BINET et al. (U.S. Pub. 2004/0129086) in view of MIKKOR (U.S. Pat. No. 4,625,561). Applicants respectfully traverse the obviousness rejections and request withdrawal of the rejections in view of the following remarks.

With respect to the obviousness-based rejections of claims 2-4, 6-8 and 15-17, and without in any manner, form or shape acquiescing in the propriety of any of the Examiner's

rejections applied in the present application under 35 U.S.C. §103, Applicants have cancelled claims 5, 6 and 17 without prejudice or disclaimer and have elected to rewrite independent claim 4 to generally include the indicated allowable features of claim 5. In this regard, at least because independent claim 4 has been rewritten to include all of the indicated allowable features of claim 5, and independent claim 6 has been cancelled without prejudice or disclaimer, the obviousness rejections of the same have now been rendered moot. Thus, Applicants respectfully submit that none of the applied references disclose or render obvious all of the features of at least amended independent claim 4.

Applicants note that the cancellation of claims 5, 6 and 17 should not be taken as an acquiescence by Applicants as to the propriety of the rejections. Additionally, Applicants expressly reserve the right to submit claims of a related scope in another application. Thus, the cancellation of the above-mentioned claims in the present application is without prejudice.

Applicants also note that the incorporation of the features of claim 5 into independent claim 4 has been made solely in order to expedite and advance the present application towards allowance and explicitly does not represent any acquiescence in the propriety of the outstanding rejection.

With respect to the Examiner's rejection of dependent claims 2, 3, 7-16 and 18 (claims 5, 6 and 17 having been cancelled without prejudice or disclaimer), Applicants submit that these claims are dependent from allowable independent claim 4, which is allowable for at least the reasons discussed *supra*. Thus, these dependent claims are also allowable for at least the reasons discussed *supra*. Further, all dependent claims set forth a further combination of elements neither taught nor disclosed by any of the references of record.

Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections together with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believe to be appropriate and proper.

COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE AND FOR THE
INDICATION OF ALLOWABLE SUBJECT MATTER

In response to the Statement of Reasons for the Indication of Allowable Subject Matter, included in the Official Communication mailed by the U.S. Patent and Trademark Office on March 10, 2009, Applicants wish to clarify the record with respect to the basis for patentability of the allowable claims in the present application. In this regard, while Applicants do not disagree with the Examiner's indications that certain identified features are not disclosed by the prior art references, as noted by the Examiner, Applicants further wish to clarify that independent claim 4 in the present application recites a particular combination of features, and the basis for patentability of these independent claims is further based on the particular totality of the features recited therein. The dependent claims set forth additional bases for their patentability in accordance with their recited limitations as well as in accordance with the particular limitations of the respective base claims.

SUMMARY

Applicants assert that the present application is in condition for allowance, and respectfully requests an indication to that effect. In this regard, without acquiescing in the propriety of the Examiner's rejections, Applicants have rewritten independent claim 4 to include the indicated allowable features of dependent claim 5, and cancelled independent claim 6 without prejudice or disclaimer. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections are made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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